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SUBJECT: INTERIM TIP ASSESSMENT FOR MEXICO

Summary

¶1. (SBU) The Government of Mexico (GOM) has shown appreciable progress in addressing its deficiencies in combating trafficking in persons (TIP) since the release of the June 2006 TIP Report, especially in the conduct of trafficking investigations. However, to provide a clear and reliable framework for the protection of victims and prosecution of traffickers, the GOM should adopt federal anti-trafficking legislation; show more improvement in the areas of arrests and prosecutions; establish a reliable data gathering mechanism; create identification and referral procedures for victims; and provide better protection for trafficking victims.

Coordination and Cooperation

¶2. (SBU) The Mexican Federal Preventative Police (PFP), the lead government agency on TIP, appointed Jose Nemecio Lugo as the Director General for Smuggling and Contraband, which also covers trafficking cases. Lugo also leads the federal interagency committee on trafficking. PFP created five investigative units dedicated exclusively to trafficking cases in different geographic areas. Two units have already initiated investigations. Although PGR and the National Institute for Migration (INM) have yet to assign their respective trafficking coordinators, the agencies have actively assisted PFP on investigations and the identification of victims.

¶3. (U) The National Commission for Human Rights (CNDH), with the International Organization for Migration (IOM), sponsored a TIP conference in June, in Chiapas, that was attended by more than 200 persons representing government agencies, NGOs and academia from Mexico, the United States and Guatemala. The Secretariat for Foreign Relations sponsored an interagency meeting with NGOs on trafficking, intending to build stronger relations and cooperation between government and civil society. The GOM has also participated in two major international conferences on trafficking.

¶4. (SBU) While GOM-USG bilateral law enforcement mechanism is working well, resulting in effective collaborative investigations and extraditions, Mexico must bolster bilateral cooperation with its southern neighbors on anti-TIP efforts, particularly Guatemala. DHS-ICE has provided a 40-hour training course on TIP investigations to 60 PFP officers, a 4-hour module to 300 officers at the PFP training academy, and additional training to INM officers in Chiapas.

Investigations, Arrests, and Prosecutions

¶5. (SBU) The GOM has pursued at least nine trafficking cases (verified by the DHS-ICE TIP coordinator at post), most of which are still active. As a result, the GOM has conducted

several rescues of potential trafficking victims, issued one active state arrest warrant (though no arrest has been made), and made one arrest under federal charges of child pornography. The GOM participated closely with civil society on these investigations, and the leads to all rescues were provided by NGOs. Five cases involved an element of USG cooperation and two were related to active USG trafficking investigations, resulting in one extradition of an alleged trafficker from Mexico to the US. A case is still pending for a Mexican citizen extradited from the US to Mexico on TIP-related charges on July 15 and who is currently detained in Cancun.

¶6. (U) On April 28, the Mexican Attorney General's Office (PGR) prevailed on an appeal in a significant prosecution on TIP-related charges. The seven defendants were members of the Carreto trafficking ring and were convicted with sentences ranging from 19 to 27 years. Though currently serving time, the defendants have initiated another appeal process. GOM also granted the extradition to the US of one of the defendants wanted on trafficking charges, though first she will have to complete her 25 year sentence in Mexico.

¶7. (SBU) CNDH issued its first recommendation in April to the INM and the Secretariat of Labor, addressing a trafficking case of two Chinese nationals in the state of Guanajuato. The subsequent investigation by authorities, however, was largely ineffective.

¶8. (SBU) PFP is developing a mechanism to collect data on TIP-related investigations, arrests and prosecutions from the state governments, but considerable work remains to be done. The PFP and Save the Children have entered into a formal collaborative relationship, which will include a project

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among a network of civil society organizations to manage a web-based database to track missing persons, including potential trafficking victims.

¶9. (SBU) Impunity and corruption are serious problems in most areas and at all levels of government in Mexico. There have been no reported sanctions against corrupt officials involved in trafficking.

Anti-Trafficking Legislation

¶10. (SBU) Although the Mexican senate passed comprehensive anti-trafficking legislation early in the year, the lower chamber of congress did not vote on the bill before its session ended in June. The lower chamber is currently studying the anti-trafficking legislation in committee, in consideration for a floor vote. There is strong support for the legislation across party lines in the chamber. The state of Michoacan passed state-level anti-trafficking legislation in June. The state of Chihuahua has completed the draft of its anti-trafficking legislation, which it expects to introduce to the state congress shortly.

Protection Services

¶11. (SBU) In September, INM authorized the issuance of visas to trafficking victims, contingent on assistance in prosecution cases. However, there currently do not exist formal mechanisms for immigration officials to interview and detect potential trafficking victims and refer them to victims' services. Though CNDH enjoys complete access to victims, NGOs have limited entree to INM detention centers. INM and PFP have expressed interest in participating with NGOs in training programs on identifying TIP victims. Mexico lacks shelters exclusively dedicated to TIP victims.

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